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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IRREVOCABLE TRUST OF
ANTHONY J. ANTONIOUS.

Plaintiff,

v.

NIKE, INC., an Oregon Corporation

Defendant.

Case No. 2:11-cv-06327-KM-JBC

**PLAINTIFF'S CORRECTED
SUPPLEMENTAL STATEMENT UNDER
LOC. R. 56.1(a) OF UNDISPUTED
MATERIAL FACTS**

I am counsel for Plaintiff and have personal knowledge of the facts stated in this Declaration. The document replaces Plaintiff's original response (an attachment to ECH 108) to Defendant's Statement of Material Facts under 56.1

12. The Battelle testing at least proved that the DYMO QUAD clubs displayed lower drag than Battelle's streamlined construct. (Battelle Report §4.1 Webb Ex. 8).
13. The testing of relative parameters of the DYMO, inclusive of drag, conducted by NIKE in 2009 (NIKE Bates Nos. 00003864 and 00003866) is relied upon by the Trust as accurate and uncontested.

14. The geometries of the DYMO and DYMO² Drivers are reflected in U.S. Design Patent Nos. D602,548 and D602,551. (All NIKE patents are public record.)
15. The 2009 DYMO club heads performed at an aerodynamic efficiency equal or superior to that of its peers, particularly with respect to the NIKE DYMO Driver² STR8 (NIKE Bates Nos., *id.*)
16. NIKE U.S. Patent Nos. 8,932,149 (Ex. B to Winfield Dec.) shows that DYMO-type clubs reduce drag and turbulence while increasing laminar flow. (All NIKE patents are public record.)
17. The opinion of NIKE's expert to the effect that the "accused clubs" do not have an aerodynamic configuration is based primarily upon the 2013 Battelle report (Long TR 59:25 to 60:4) since 2009 testing of the DYMO showed an opposite result. See ¶15 above and ¶18 below.
18. Battelle employed a static test and a purposefully idealized golf club head having no purported relationship to any standard or norm in the golf club industry. (Battelle Report 5-8, Webb Ex. 8).
19. Since the Battelle report concedes the DYMO Quads reduced drag and the 2009 testing proved that the DYMO Driver² STR8 reduced drag, these three club heads must also reduce turbulence and enhance laminar flow, at least according to the teachings of Oldknow (an inventor of the DYMO) as reflected in his U.S. Patent No. 8,932,149.

I Melvin K. Silverman hereby declare under penalty of perjury under 28 U.S.C. §1946
that the foregoing Declaration is true and correct.

DATE

7/23/15

MELVIN K. SILVERMAN

CERTIFICATE OF SERVICE

On July 23, 2015, the undersigned hereby certifies that a true and correct copy of the foregoing **PLAINTIFF'S CORRECTED SUPPLEMENTAL STATEMENT UNDER LOC. R. 56.1(a) OF UNDISPUTED MATERIAL FACTS** has been served on counsel for Defendant, identified below, via Electronic Mail pursuant to agreement of the parties.

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By: s/Melvin K. Silverman
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